

Form district regulations supplement and extend use and density regulations associated with individual zoning districts. Zoning district regulations address the permitted and conditional uses for any given site in a specific zoning district, as well as the permitted density or intensity of development. Form district regulations govern the design of permitted uses and land activities to ensure compatibility with adjacent uses and activities, adequate transportation access, and preservation of the public health, safety and welfare.

#### 5.1.1 Relationship to the Comprehensive Plan

Form District Regulations implement the following Comprehensive Plan Goals, Objectives and Plan Elements.

Goals	Objectives	Plan Elements
Community Form Goals A1; A2; A3	Community Form Objectives A1.1; A1.2; A1.3.; A1.4; A1.5; A1.6;  A2.1; A2.2; A2.3; A2.4; A2.5; A2.6; A2.7; A3.1; A3.2; A3.3; A3.4; A3.5; A3.6	Guidelines 1, 2, 3, 4, 6, 7, 8, 9

#### 5.1.2 Conformance with Form District Regulations

No building, structure, or land shall be subdivided, erected, constructed, located or moved except in conformity with the regulations contained in this Chapter, and any other applicable regulations in this Code. Prior to the issuance of any building or site construction permit, a determination of conformance with these regulations shall be made by the appropriate Planning or Building Official.

The form district regulations shall apply only to new construction and development, including expansions. Structures in existence prior to the effective date of this Chapter 5 shall not be required to meet the standards created herein.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit established for the form district in which the building is located. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area requirements of the district in which the building is located. Lots created after the effective date of this Land Development Code shall meet the minimum area requirements of the applicable form district.

Where there is doubt concerning the interpretation of the provisions of this Chapter, the decision of the Planning Director shall prevail, subject to appeal as provided for in **Chapter 11 Part 7**.

### 5.1.3 Establishment of Form Districts

In order to carry out the purposes and provisions of this Code, the following form districts are hereby established:

- A. Downtown Form District
- B. Neighborhood Form District
- C. Traditional Neighborhood Form District
- D. Village Form District
- E. Town Center Form District
- F. Traditional Marketplace Corridor Form District
- G. Suburban Marketplace Corridor Form District
- H. Traditional Workplace Form District
- I. Suburban Workplace Form District
- J. Regional Center Form District
- K. Campus Form District

### 5.1.4 Form District Map

The Planning Unit shall be divided into form districts, as shown on the Official Zoning and Form District Map. The Official Zoning and Form District Map, together with all explanatory matter thereon, shall be a part of this Code and is incorporated into this Code by this reference. The Map shall be kept on file in the offices of the Division of Planning and Design Services and shall be the official record of the form district designation of all sites and areas within the planning unit.

### 5.1.5 Interpretation of Form District Boundaries

In cases of uncertainty as to the location of a form district boundary on the Official Zoning and Form District Map, the rules for interpretation located at **Section 2.1.2** shall apply. The form district classification of property at the water's edge of the Ohio River's normal pool elevation shall be deemed to extend from the water's edge to the County (Indiana) boundary, unless otherwise indicated on the Official Zoning and Form District Map.

### 5.1.6 Map Amendment Process

The process and requirements for amendment of a form district boundary or form district designation are located in **Chapter 11 Part 4**.

**5.1.7 General Requirements<sup>1</sup>**

The following standards are applicable to development proposals, within all form districts.

- A. Every part of a required yard shall be open to the sky, except as authorized by this Chapter, and the ordinary projection of sills, belt courses, cornices, eaves, ornamental features and a porte-cochere or canopy which may project a distance not to exceed 18 inches into the required yard.
- B. Open or lattice-enclosed fire escapes, outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official for a distance of not more than 5 feet, but only where the same are placed so as not to obstruct light and ventilation.
- C. Overhangs and shade control devices which prevent overheating of solar collectors may project a distance not to exceed 48 inches into the required front, rear or street side yard.
- D. On double frontage lots the required front yard shall be provided on the portion of the lot abutting each street.
- E. Yard Requirement - This requirement is applicable to property in the non-metropolitan area as delineated in Chapter 8 which is in proximity to expressways, as designated on Core Graphic 10.
  - 1. No residential structure or noise sensitive use, including schools, libraries or nursing homes shall be located within 250 feet of the edge of pavement of the expressway's nearest travel lane, including ramps.
  - 2. Land within the 250 foot zone may be used as dedicated open space, landscaped buffer area, roadways, accessory structures, and private yard area deed restricted from residential structures.
  - 3. Exceptions to this restriction may only be granted in conformance with the procedures provided below.
- F. On land in any zoning and form district, which is subject to the provisions in (E.) above, residential structures and noise sensitive community facilities may be allowed where the following conditions are met and agreed to by the Planning Commission.
  - 1. A noise impact study, performed by an individual or firm with expertise and experience in the field of traffic noise, is submitted to the Planning Commission. The study must be based upon projected future traffic data provided by the Planning Commission, and

2. The study indicates that the noise levels, at the site of proposed construction is or is capable of being reduced to levels less than 65 dBA (in the form of equivalent sound level, Leq.), by the presence of natural barriers or use of man made barriers; and
  3. If man made barriers are proposed, the Planning Commission finds that:
    - a. provision has been made for maintenance of any barrier structure in a condition that is safe and effective for noise mitigation, for the duration of the residential use; and
    - b. the proposed barrier does not create adverse environmental impacts or detract from unique natural areas and areas with significant landscape features; and
    - c. the proposed barrier is constructed of masonry, synthetic or other long lived materials; wood sound walls are not permissible.
  4. A plan is submitted to and accepted by the Planning Commission incorporating the elements set forth in the study above referenced; and
  5. Schools, libraries and nursing homes may be allowed if it can be demonstrated that sound-proofing measures incorporated in the structure will yield interior noise levels within applicable federal standards.
- G. Ramps intended and designed for the use of handicapped persons are allowed to encroach into any required yard in any form district as long as they are constructed in accordance with ADAAG (Americans with Disabilities Act Accessibility Guidelines) standards and the Kentucky Building Code for width, height and materials, and a building permit is issued by the appropriate permitting agency. One ramp for each entrance to the structure shall be permitted. In no case shall this section be construed to permit any other structure (e.g. deck or elevated patio) to encroach into any required yard. The sole intent of this regulation is to ensure that access to housing for handicapped or disabled persons is not impeded due to a lack of adequate ramps.
- H. Vision Clearance: On corner lots (where a street intersects with another street) in all districts where setbacks are required along the street frontage, no fence, wall, freestanding sign, structure or shrubbery planting shall be permitted that is over two (2) feet in height above the established elevation of the curb level or that is not clear of branches, in the case of plant material, from two (2) to six (6) feet above the established elevation for a distance equal to the respective required yard, not to exceed thirty (30) feet, measured from the point of intersection of the intersecting lot lines and within the triangle formed by connecting the ends of the respective distances.

- I. **Front Property Line:** In determining the depth of a front setback, the front property line shall not be located closer than thirty (30) feet to the center line of a street or highway, excepting streets of less than 60 feet in width dedicated to public use on a subdivision plat which has the approval of the Commission.
- J. When front or street side yards are required in a district in which automobile service stations are permitted, gasoline pump islands and pumps may be placed on the premises provided they are at least 15 feet from the right-of-way line. Where no front or street side yards are required, gasoline pumps and pump islands shall be at least 10 feet from the right-of-way line.
- K. In determining compliance with maximum building or structure heights established in this Code, height of principal structures shall be measured from grade at the front and street side of the building or structure to the highest point of the coping of a flat or mansard roof; or to the mean height level between eaves and ridge for gable, hip or gambrel roofs; or to the mean height level between highest and lowest portion of a rooftop parapet wall. In the Traditional Neighborhood, Traditional Marketplace Corridor and Traditional Workplace Form Districts, when proposed development entails change in grade in areas of existing development patterns, the height of a building or structure shall be measured from the mean elevation of the established grade of abutting parcels, excluding public or private rights-of-way, to ensure that the scale of the new structure(s) or building(s) is compatible with existing structure(s) or building(s). The height of accessory structures shall be measured in the same manner as principal structures, using the average grade at the wall of the structure closest to a property line. (Refer to [Section 4.4.3.A.1](#) for measurement of fence height.)

**NOTE:** Height restrictions apply to building façade on front and street side (for corner lots). Walk-out basements at the rear will not count toward building height.

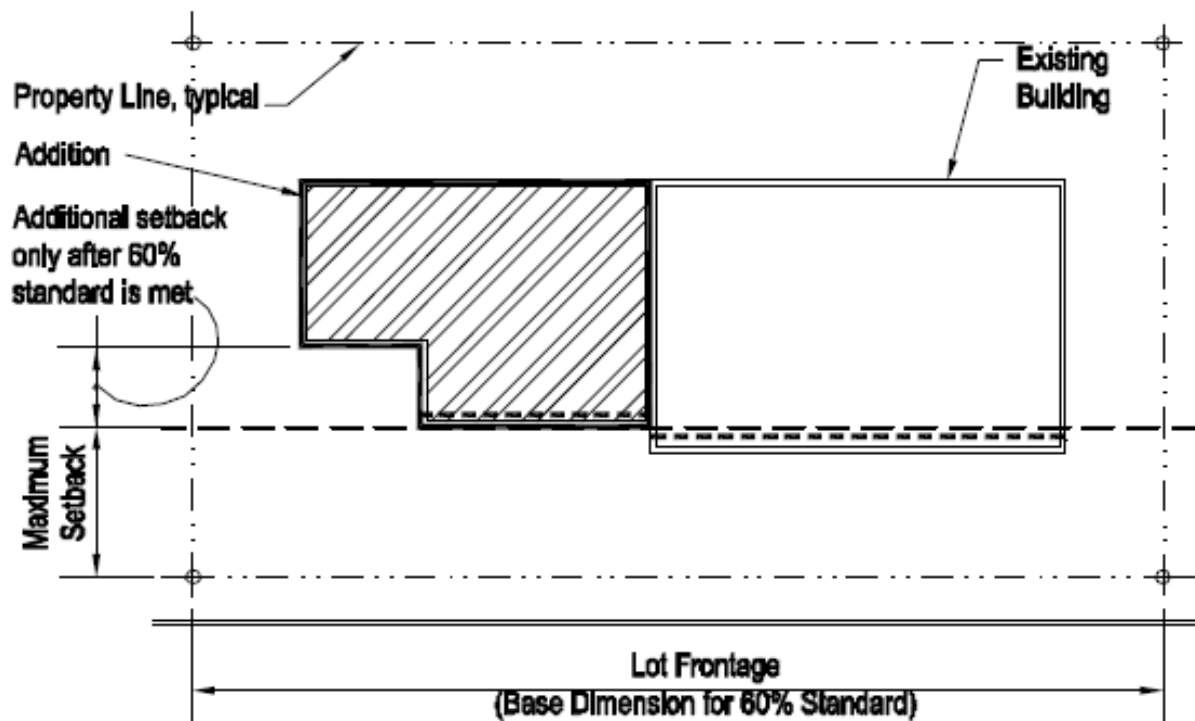
### 5.1.8 Maximum Setback

- A. Maximum setback standards are established for various form districts in Chapter 5 Parts 2 and 3. Maximum setbacks shall apply to all street frontages.
- B. The maximum setback requirement shall be satisfied when 60% of the lot frontage adjacent to the street(s) is occupied by building(s) between the maximum setback line and minimum setback line. Once the 60% standard is met, further development is not subject to the maximum setback. This requirement applies to multi-family residential and any non-residential development. Additions that do not extend the building wall adjacent to a street frontage shall be exempt from the maximum setback.

**The following diagrams provide common illustrations of building placement and the application of the maximum setback standards as described in section 5.1.8.**

### Illustration 5.1.1

#### Addition to Existing Building at or within Maximum Setback



■ ■ ■ ■ ■ Building Wall applicable to 60% standard (5.1.8.B)

Illustration 5.1.2

Addition to Existing Building beyond Maximum Setback

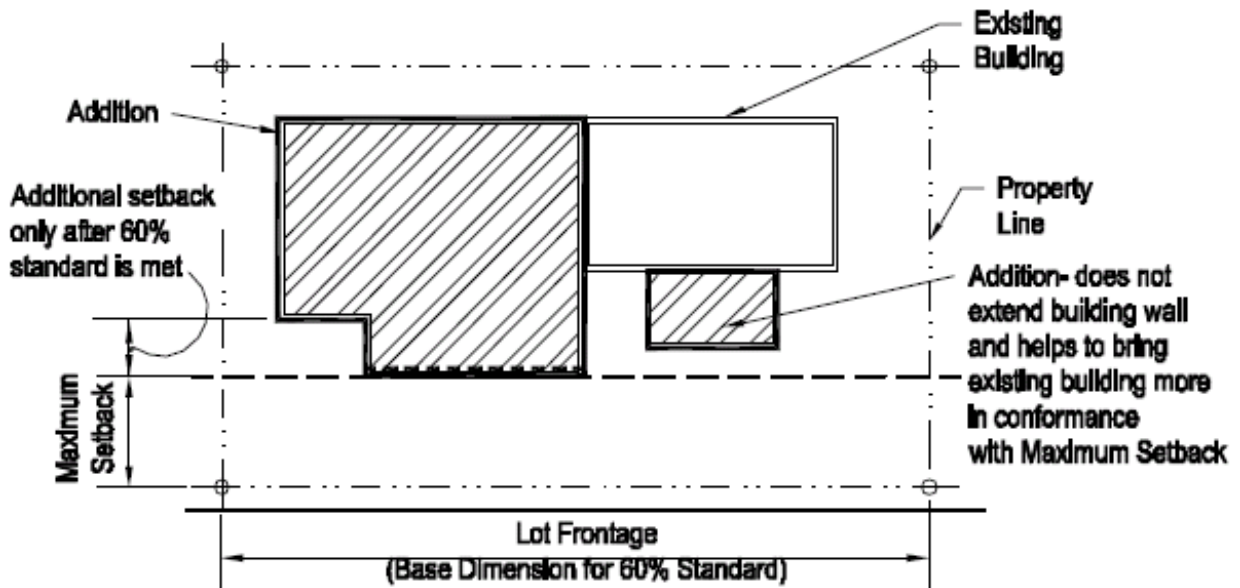
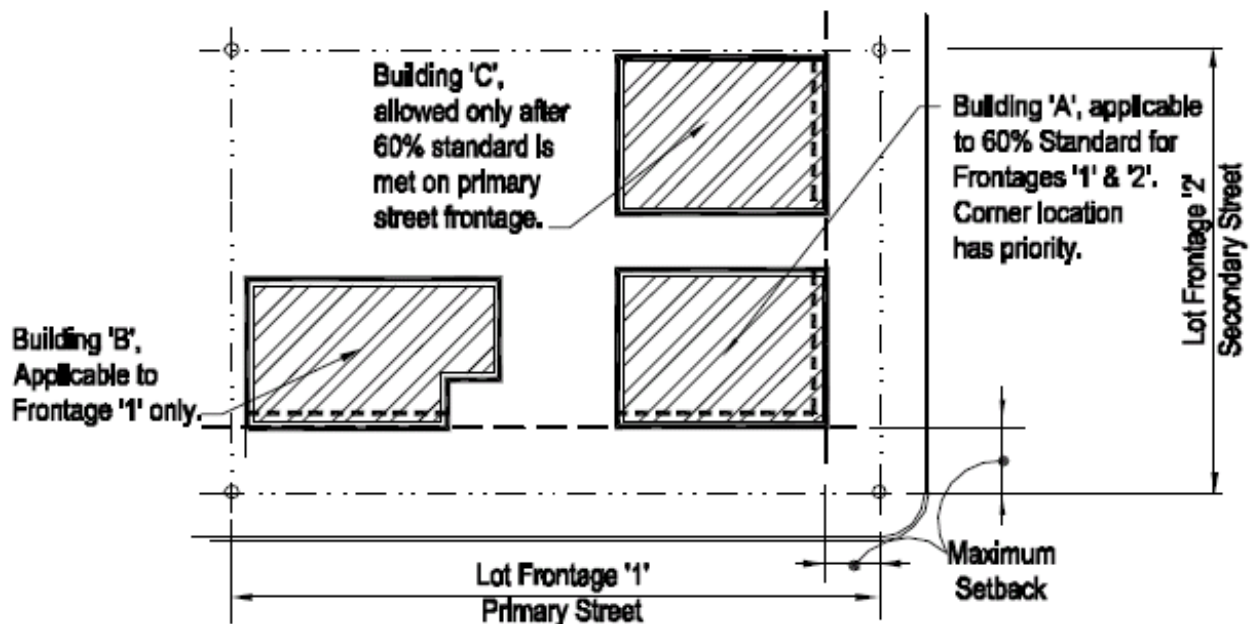


Illustration 5.1.3

New Construction on a Corner Lot- Primary and Secondary Frontage



----- Building Wall applicable to 60% standard (5.1.8.B)

Illustration 5.1.4

### Building Placement on Corner Lot- Beyond Maximum Setback

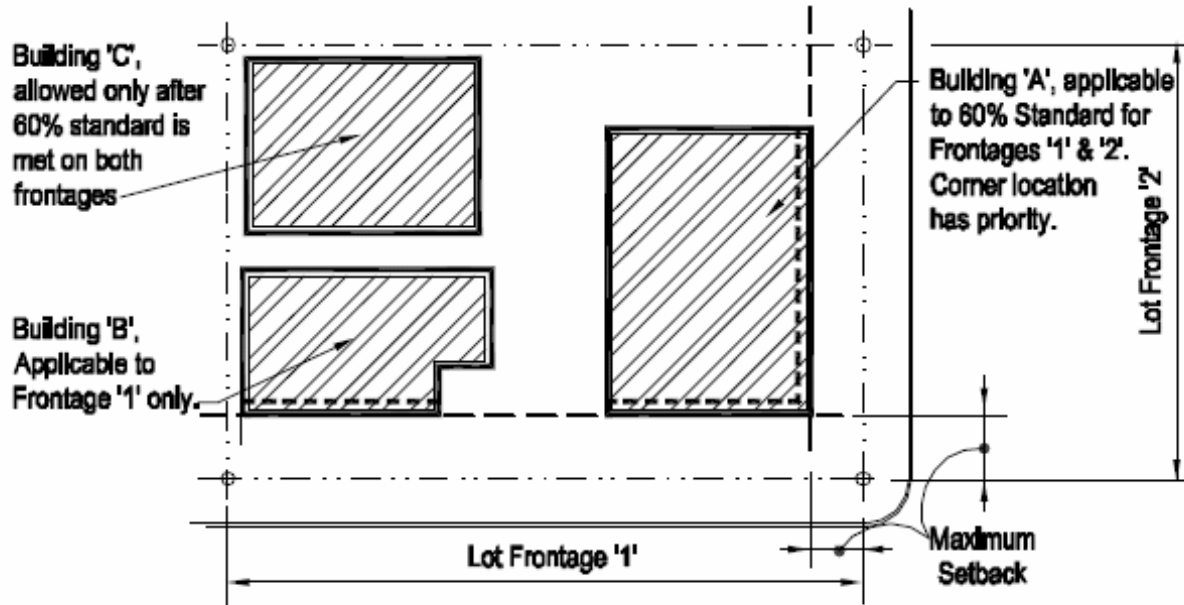
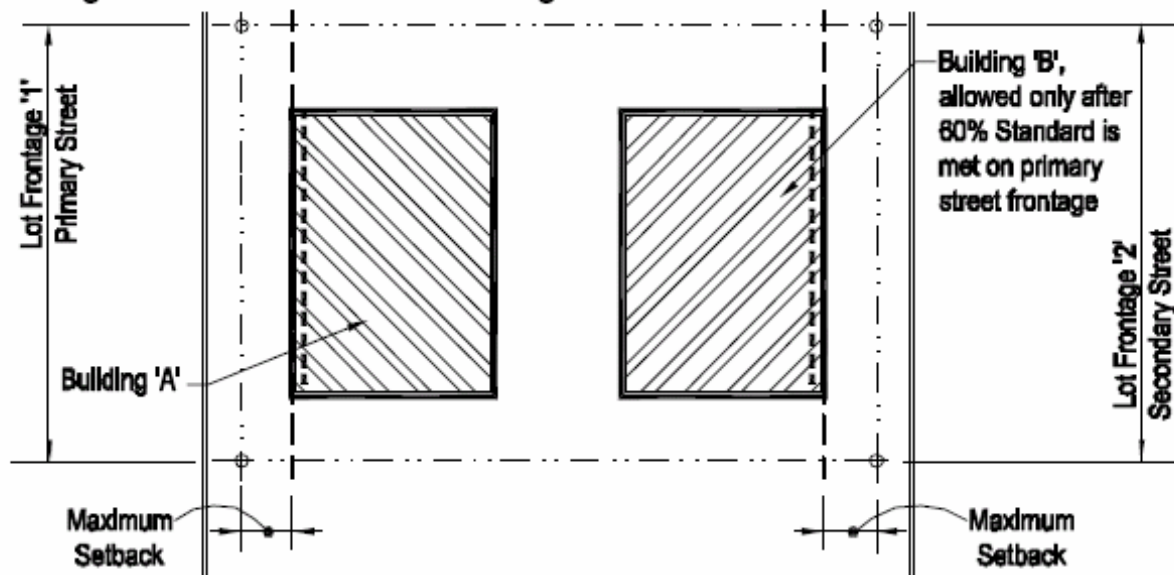


Illustration 5.1.5

### Building Placement on Dual Frontage Lot



■■■■■■■ Building Wall applicable to respective 60% standard (5.1.8.B)



### **5.1.9 Maximum Setback Alternatives Suburban Form Districts (NFD, SMCFD, and RCFD)**

#### **A. Non-residential Use (except retail uses) Alternative**

1. The maximum setback shall not be applicable to developments that
  - a. provide a berm at least 4 feet in height that screens parking lots; the berm shall be adjacent to the public street(s); and
  - b. provide a 15 foot wide landscaped area, linking the public street sidewalk to the principal structure. The landscaped area shall include a walkway at least five feet wide and tree plantings on both sides of the walk. Trees shall be Type A or Type B trees planted to provide shading of the walkway, at a ratio of one tree per 30 linear feet of landscaped area.

#### **B. Alternative for Smaller Retail Uses**

Retail developments comprised of one or more structures that are less than 100,000 square feet of total building footprint area shall be exempt from the maximum setback requirement if one of the following provisions is met:

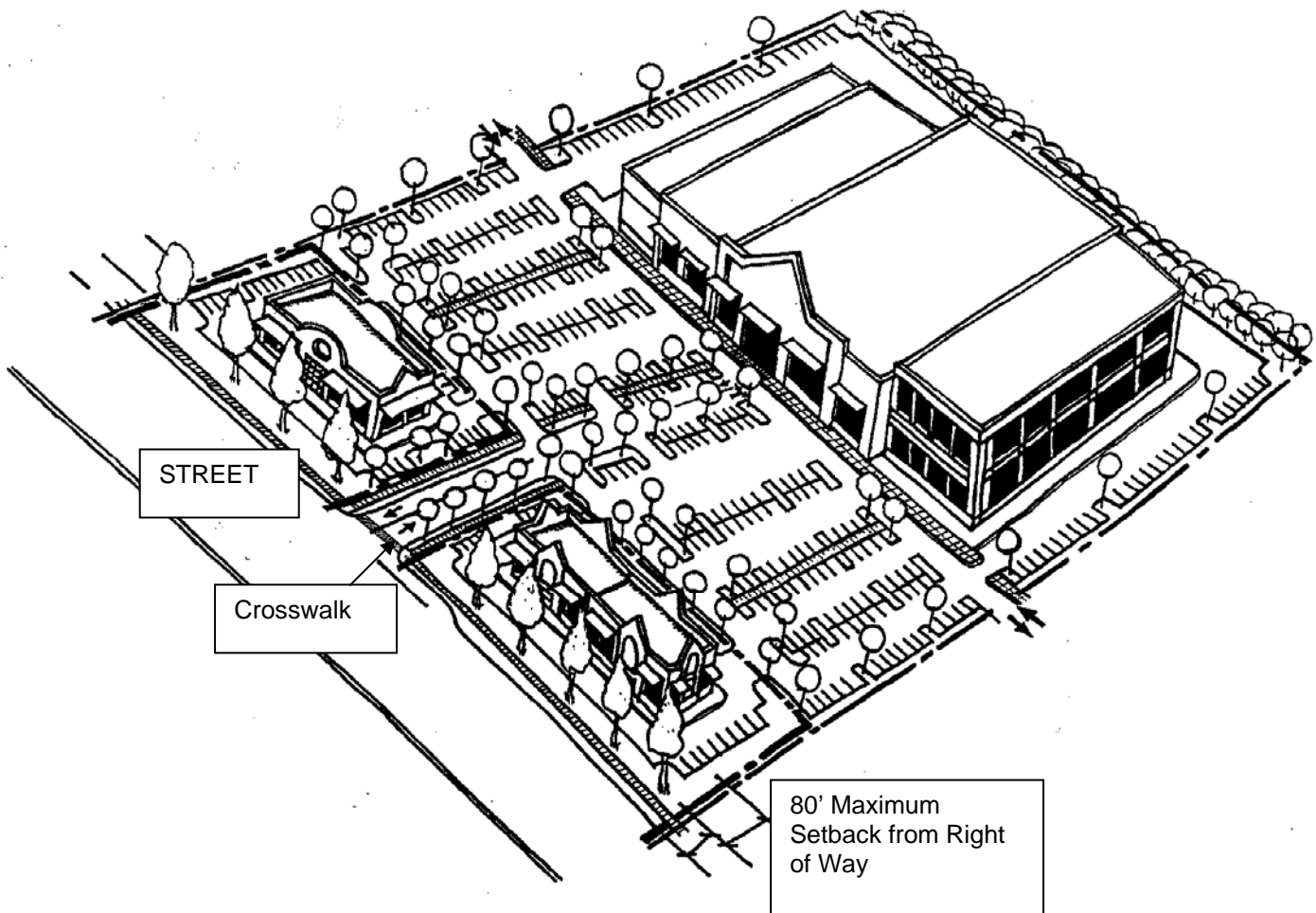
1. Provision A.1 above
2. Provision C.1 below

#### **C. Alternative for Large Retail Uses**

Retail developments comprised of one or more structures that exceed 100,000 square feet of total building footprint area shall be exempt from the maximum setback requirement if one of the following provisions is met:

1. 50% of street frontage is occupied by building façade(s) located no more than 80 feet from the property line adjacent to the public street(s). Extensions of facades, including masonry walls (3 foot minimum height), colonnades or similar architectural features may be included in the building façade calculation.

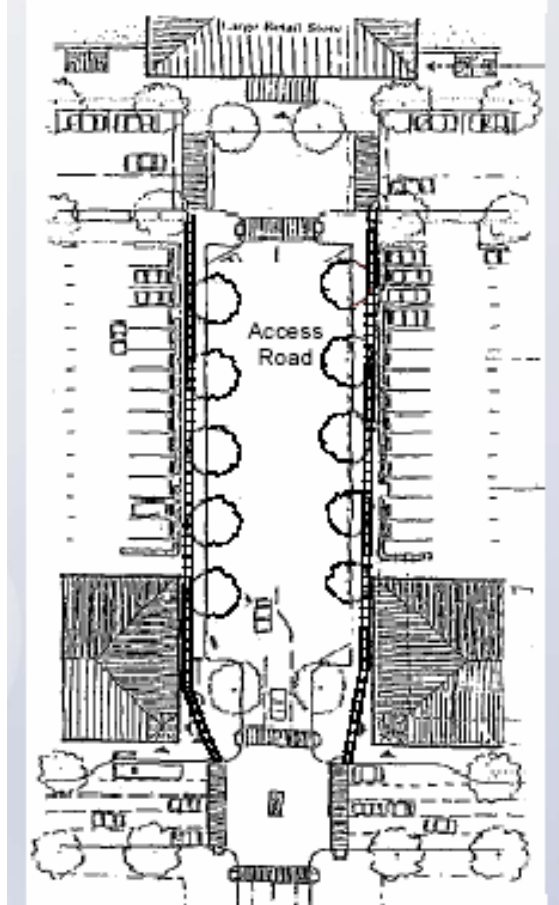
Maximum Setback Alternative: Option 1



## 2. Internal Access Road

- a. An internal access roadway shall be constructed, perpendicular to the public street and leading to the main entrance of the principal structure, or to the focal point, or to a central area between two or more principal structures. The internal access road shall meet the following standards:
  - i. If approved by Metro Public Works, on-street parallel parking may be provided on both sides of the internal access roadway. On-street parking is not allowed within 75 feet of the intersection of the public street and the internal access road, measured from the right-of-way line. Design of on-street parking shall be reviewed by Metro Public Works.
  - ii. The internal access roadway must have at least one auto travel lane, curbs, and sidewalks on both sides. Sidewalks shall be a minimum of 6 feet in width with a minimum 6 foot wide planting strip between the sidewalk and the internal access roadway.
  - iii. Street trees (Type A or Type B) shall be planted within the planting strips at a ratio of 1 tree per 40 feet of internal access roadway frontage.
  - iv. Pedestrian scale lighting shall be provided adjacent to the internal access roadway. Planning Director or designee shall review and approve the design and spacing of light fixtures.
  - v. If outlots are proposed, they shall be located at the corners created by the intersection of the public street and the internal access road. The outlot structures shall be setback no more than 10 feet beyond the minimum setback of the form district. Drive aisles and parking are not permitted within the setback area.

### Maximum Setback Alternative: Internal Access Road



#### b. Outdoor Amenity Substitution Option:

If one of the following options is met the development shall be exempt from the outdoor amenity requirement established in **Chapter 5, Part 13**:

**Option 1:** The internal access road and walkway lead to a plaza or patio area measuring 6% of the total development footprint, and the plaza and streetscape adjacent to the internal access roadway include seating at the ratio required for outdoor amenities.

**Option 2:** Outlot structures each having a minimum building footprint of 3,000 square feet are located at both corners created by the intersection of the public street and the internal access road. The outlot structures shall be set back no more than 10 feet beyond the minimum setback of the form district. Drive aisles and parking are not permitted within the setback area. The access road shall lead to an outdoor amenity area that is 3% of the total footprint of the development.

### 5.1.10 Exceptions

- A. Residentially zoned lots having less area than required in the applicable form district and legally created prior to the adoption of these regulations may be occupied by the number of dwelling units permitted by the density and floor area ratio limits of the applicable zoning district.
- B. Chimneys, water, fire, transmitting and receiving communications towers for non-commercial use in accordance with FAA/FCC requirements, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, parapet walls and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Kentucky Airport Zoning Board.
- C. An open, unenclosed porch or paved terrace may project into a required front setback for a distance not to exceed ten feet, or other distance specified in the applicable form district regulation. "Unenclosed" means that the porch may be roofed but the extension from the enclosed structure shall not have glass or screening enclosure or walls greater than three feet in height.
- D. Maximum Encroachment – Awnings, balconies and canopies (not associated with banks, gas stations and other types of canopies and awnings over drive through windows) shall be permitted to encroach within required front and street side setbacks/yards. With approval of the Director of Works awnings, balconies and canopies shall be permitted to encroach over public sidewalks as follows:
  - 1. Awnings and Canopies – within 2 feet of the face of the curb
  - 2. Balconies – 3 feet
- E. On a corner lot in the residential and apartment districts, the depth of the required rear yard may be reduced to the width of the minimum side yard for the district in which it is located.
- F. The side yard required on each side of a lot less than 50 feet wide shall be ten (10) percent of the width of the lot or the minimum side yard required by the applicable form district, whichever is less.

### 5.1.11 Dimensional Variances

Portions of these regulations that govern building height or width and size of yards may be modified by the Board of Zoning Adjustment. The Board may grant a dimensional variance if the requirements of KRS 100.243 are found to be met. A variance request simultaneous with a subdivision or zoning change request for a given property may be granted by the Planning Commission.